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(54) Title: PROCESS FOR ENRICHING A POPULATION OF SPERM CELLS

(57) Abstract: Processes for selectively enriching a population of viable sperm cells with respect to a characteristic without physically sorting the cells are disclosed. The cells contained in such an enriched population benefit from the advantage of not being subjected to a sorting process. Processes of inseminating a female mammal and processes of forming a sperm dispersion utilizing the processes of selectively enriching a population of viable sperm cells are also disclosed.

PROCESS FOR ENRICHING A POPULATION OF SPERM CELLS

FIELD OF THE INVENTION

[0001] The present invention generally relates to the enrichment of a population of sperm cells. In particular, the present invention generally relates to the enrichment of a population of viable sperm cells without physically sorting the cells.

BACKGROUND

[0002] The fertilization of animals by artificial insemination (AI) and embryo transplant following *in vitro* fertilization is an established practice. In the livestock production industry, the ability to influence the reproductive outcome toward offspring having one or more desired characteristics has obvious advantages. By way of example, there would be an economic benefit in the dairy industry to preselect offspring in favor of the female sex to ensure the production of dairy cows. The separation of sperm into enriched populations of X and Y chromosome-bearing cells, known as gender enriched semen or gender enriched sperm, is one method of achieving preselected offspring.

[0003] Johnson et al. (U.S. Patent No. 5,135,759) describe the separation of intact X and Y chromosome-bearing sperm populations according to DNA content using a flow cytometer/cell sorter into X and Y chromosome-bearing sperm enriched populations. As described, the sperm is combined with a DNA selective dye at a temperature of 30°C to 39°C for a period of 1 hour (39°C) to 1.5 hours (30°C). A flow cytometer is then used to measure the amount of fluorescent light given off when the sperm passes through a laser beam. Because the X chromosome-bearing sperm contains more DNA than the Y chromosome-bearing sperm, approximately 3% to 5% depending upon the species, the X

chromosome-bearing sperm yields a greater intensity of fluorescent light than the Y chromosome-bearing sperm. Droplets containing single sperm of a predetermined fluorescent intensity are given a charge and electrostatically deflected into collection vessels. The collected, gender enriched sperm population, is then used for microinjection or artificial insemination. Notably, this method requires that the sperm cells be physically sorted to achieve the gender enriched sperm population. Physically sorting according to Johnson requires time and cost.

SUMMARY OF THE INVENTION

[0004] Among the various aspects of the present invention is a process for the preparation of sperm dispersions, sometimes referred to as suspensions, enriched with respect to a characteristic. In one embodiment, for example, the process of the present invention is used to prepare a sperm dispersion enriched with respect to X or Y-chromosome bearing sperm.

[0005] Briefly, therefore, the present invention is directed to a process for selectively decreasing the capacity of a subpopulation of sperm cells in a sperm cell dispersion to fertilize an egg. The process comprises forming a dispersion of labeled sperm cells in a liquid comprising a chemical agent or having a temperature that induces sperm immotility, wherein the presence, absence or amount of the label associated with a sperm cell indicates a genetic, proteomic, structural, or functional characteristic of a subpopulation of sperm cells in the dispersion. The process additionally comprises optically inspecting the dispersion to identify individual sperm cells as members of the subpopulation; determining the position of members of the subpopulation in the dispersion;

and delivering a dose of energy to different positions within the dispersion to selectively decrease the capacity of members of the subpopulation to fertilize an egg without similarly affecting sperm cells at other positions in the dispersion.

[0006] The present invention is further directed to a process for inseminating a female mammal with an enriched sperm cell population. The process comprises forming a dispersion of labeled sperm cells in a liquid comprising a chemical agent or having a temperature that induces sperm immotility wherein the presence, absence or amount of the label associated with a sperm cell indicates a genetic, proteomic, structural, or functional characteristic of a subpopulation of sperm cells in the dispersion. The process further comprises optically inspecting the dispersion to identify individual sperm cells as members of the subpopulation; determining the position of members of the subpopulation in the dispersion; delivering a dose of energy to different positions within the dispersion to selectively decrease the capacity of members of the subpopulation to fertilize an egg without similarly affecting sperm cells at other positions in the dispersion; and thereafter inseminating a female mammal with the dispersion or a derivative thereof.

[0007] The present invention is further directed to a process for in vitro fertilization. The process comprises forming a dispersion of labeled sperm cells in a liquid comprising a chemical agent or having a temperature that induces sperm immotility wherein the presence, absence or amount of the label associated with a sperm cell indicates a genetic, proteomic, structural, or functional characteristic of a subpopulation of sperm cells in the dispersion. The process further comprises optically inspecting the dispersion to identify individual sperm

cells as members of the subpopulation; determining the position of members of the subpopulation in the dispersion; delivering a dose of energy to different positions within the dispersion to selectively decrease the capacity of members of the subpopulation to fertilize an egg without similarly affecting sperm cells at other positions in the dispersion; and thereafter fertilizing an egg, in vitro, using the dispersion or a derivative thereof. The fertilized egg may thereafter be introduced into the uterus of a female mammal.

[0008] The present invention is further directed to a process for forming a frozen sperm dispersion. The process comprises forming a dispersion of labeled sperm cells in a liquid comprising a chemical agent or having a temperature that induces sperm immotility wherein the presence, absence or amount of the label associated with a sperm cell indicates a genetic, proteomic, structural, or functional characteristic of a subpopulation of sperm cells in the dispersion. The process further comprises optically inspecting the dispersion to identify individual sperm cells as members of the subpopulation; determining the position of members of the subpopulation in the dispersion; delivering a dose of energy to different positions within the dispersion to selectively decrease the capacity of members of the subpopulation to fertilize an egg without similarly affecting sperm cells at other positions in the dispersion; and thereafter cryopreserving the dispersion.

[0009] Other aspects and features of the invention will be in part apparent and in part pointed out hereinafter.

DETAILED DESCRIPTION OF THE INVENTION

[0010] Advantageously, a population of viable sperm cells may be enriched with respect to a characteristic in accordance with the present invention without physically sorting the cells. This characteristic may be, for example, whether the sperm cells carry an X or a Y chromosome. Alternatively, the characteristic may be another genetic characteristic such as the presence of a single nucleotide polymorphism ("SNP") coding for improved animal productivity (such as, for example, improved milk production) or coding for a lipid to improve cryopreservation of the selected cells. The characteristic may also be a proteomic characteristic such as a protein to improve the performance of sperm, such as, for example, a protein that would improve *in utero* performance by improving beneficial acrosomal characteristics. The characteristic may also be a structural characteristic, such as, for example, acrosomal integrity, or a functional characteristic, such as, for example, progressive motility.

[0011] Enrichment of a sperm cell population with respect to the genetic, proteomic, structural, or functional characteristic may be achieved, for example, by labeling sperm cells in the population having (or, alternatively, lacking) the characteristic, rendering the sperm cells substantially immotile, and selectively dosing the immotile sperm cells with a dose of energy to decrease the viability of the dosed cells or at least decrease the capacity of the dosed cells to fertilize an egg *in vitro* or *in vivo* (*i.e.*, after insemination). Because the sperm cells in the dispersion, sometimes referred to as a suspension, are substantially immotile and selectively labeled, the energy beam may be delivered to a specific position in the dispersion to dose an individual sperm cell; by repeating this process step, *i.e.*, individually

dosing immotile sperm cells at discrete positions in the dispersion, a subpopulation of sperm cells having a desired characteristic in the dispersion may be effectively enriched, for example, with respect to the percentage of cells of the subpopulation having the desired characteristic; with respect to the percentage of offspring having a certain genetic or proteomic characteristic as a result of being produced by fertilization with the sperm cells; or with respect to both.

[0012] In any event, the population of sperm cells may be enriched for a particular subpopulation without physically separating cells having the desired characteristic from those lacking the desired characteristic (*i.e.*, without separating the dosed cells from the non-dosed cells). Optionally, further enrichment of the cells may be achieved by additionally purifying the cells by physically separating the dosed and non-dosed cells into separate subpopulations according to methods described below.

Sperm Cell Dispersion

Density of the Sperm Cells

[0013] In general, sperm cell dispersions having a population that may be enriched in some characteristic may be prepared with a wide range of sperm cell densities. Typically, however, the sperm cell density will be at least about 1×10^3 sperm/ml, and generally not in excess of about 5×10^{10} sperm/ml, and more preferably not in excess of about 5×10^8 sperm/ml of dispersion. For example, in one embodiment the dispersions may contain spermatozoa in a "relatively low" density, *i.e.*, in a density of less than about 1×10^7 sperm/ml, preferably less than about 1×10^6 sperm/ml, more preferably about 1×10^3 to about 5×10^6 sperm/ml, still more preferably about 1×10^3 to about

1 X 10⁶ sperm/ml, even more preferably about 1 X 10⁴ to about 1 X 10⁵ sperm/ml, and most preferably about 1 X 10⁵ sperm/ml of dispersion. In an alternative embodiment, the dispersions may contain spermatozoa in an "intermediate" density, i.e., in a density of about 1 X 10⁷ to about 1 X 10⁸ sperm/ml of dispersion. In yet another alternative embodiment, the dispersions may contain spermatozoa in a "relatively high" density, i.e., in a density of at least about 1 x 10⁸ sperm/ml, preferably about 1 X 10⁸ to about 5 X 10¹⁰ sperm/ml, more preferably about 1.5 X 10⁸ to about 2 X 10¹⁰ sperm/ml, even more preferably about 1.5 X 10⁸ to about 2 X 10⁸ sperm/ml, and still more preferably about 1.5 X 10⁸ sperm/ml of dispersion. Thus, for example, the dispersions may contain at least about 0.04 x 10⁶ sperm/ml of dispersion in one embodiment; at least about 1 x 10⁶ in another embodiment; at least about 1.5 x 10⁶ in another embodiment; at least about 2 x 10⁶ in another embodiment; at least about 3 x 10⁶ in another embodiment; at least about 0.5 x 10⁷ in another embodiment; at least about 1 x 10⁷ in another embodiment; at least about 1.25 x 10⁷ in another embodiment; at least about 2 x 10⁷ in another embodiment; at least about 3 x 10⁷ in another embodiment; at least about 4 x 10⁷ in another embodiment; at least about 5 x 10⁷ in another embodiment; at least about 6 x 10⁷ in another embodiment; at least about 7.0 x 10⁷ in another embodiment; at least about 8 x 10⁷ in another embodiment; at least about 9 x 10⁷ in another embodiment; at least about 10 x 10⁷ in another embodiment; at least about 11 x 10⁷ in another embodiment; at least about 12 x 10⁷ in another embodiment; at least about 1.0 x 10⁸ in another embodiment; at least about 1.25 x 10⁸ in another embodiment; at least about 1.5 x 10⁸ in another embodiment; at least about 1.75 x 10⁸ in another embodiment; at least about 2.0 x 10⁸ in another embodiment; at least about 2.25 x 10⁸ in another embodiment;

at least about 2.5×10^8 in another embodiment; at least about 2.75×10^8 in another embodiment; at least about 3×10^8 in another embodiment; at least about 5×10^8 in another embodiment; at least about 7.0×10^8 in another embodiment; or even at least about 8×10^8 sperm/ml of dispersion. In an alternative embodiment, the dispersion may contain less than about 9×10^5 , less than about 7×10^5 , less than about 5×10^5 , less than about 2×10^5 , less than about 1×10^5 , less than about 1×10^4 , or even less than about 1×10^3 sperm/ml of dispersion.

[0014] The density of spermatozoa may vary based upon a number of factors, including, for example, the variations among different species of mammals, variations among the mammals of a single species, and even variations among different ejaculates of a single mammal. For example, bovine spermatozoa may be in a dispersion at a higher density, but typically in a smaller volume, such as for example 0.5×10^6 sperm/ml to about 8×10^7 sperm/ml in a volume of about 0.5ml to about 25ml. Swine spermatozoa, however, may be in a dispersion at a lower density, but typically in a greater volume, such as for example 0.04×10^6 sperm/ml to about 1×10^7 sperm/ml in a volume of about 50ml to about 250ml.

[0015] The density of spermatozoa in the sperm dispersions may also depend upon the method by which the sperm cells may be subsequently enriched or sorted. For example, the sperm cells may be sorted using flow cytometry as described in U.S. Patent Application Publication No. US 2005/0112541, the content of which is hereby incorporated herein by reference. In such an instance, the dispersion may typically be of an "intermediate" or "relatively high" density of spermatozoa. Other sorting or enrichment techniques, as described in greater detail below, may benefit from a lesser density of spermatozoa,

such as a "relatively low" density of spermatozoa, labeled with a marker, such as for example the dyes and labels described herein.

[0016] The density of the spermatozoa in the sperm dispersions may also be artificially manipulated to achieve a dispersion of a specific spermatozoa density. Manipulations to the density of spermatozoa in a sperm dispersion, for example, contained in an insemination straw, may be made based upon factors such as the temperature at which the dispersion may be stored, the length of the storage period, whether the spermatozoa in the sperm dispersion are sorted or unsorted, the species of the male mammal from which the spermatozoa were collected, the fertility of the mammal from which the spermatozoa were collected, and the species of the female mammal to be inseminated.

[0017] The density of the spermatozoa in a sperm dispersion may also be affected by simply concentrating the spermatozoa, such as for example, by centrifugation. In such an instance, the dispersion would substantially separate into what is commonly referred to as a pellet (a mass of cells containing a minimal amount of fluid) and a supernatant (a soluble liquid fraction). The supernatant may then be decanted without disruption of the pellet, thereby resulting in a relatively dense pellet of sperm cells containing a minimal amount of the inhibitor, the effect being to reduce the volume of the dispersion without changing the components of the dispersion. As a result, the sperm cells of the pellet remain in an immotile state.

Immotility of the Sperm Cells

[0018] The dispersion of sperm cells contains sperm cells that have a substantially reduced motility. Substantial reduction of the motility of the sperm cells in

the sperm cell dispersion may be achieved in a number of ways, including for example, by contacting the sperm cells with a motility inhibitor, by reducing the temperature of the sperm cells or the immediate environment surrounding the sperm cells (i.e., the sperm dispersion), or by a combination of both. In a preferred embodiment, sperm cells in the sperm dispersion of the present invention behave, in certain respects, in a manner characteristic of epididymal spermatozoa; for example, the sperm cells in the population are substantially immotile and/or they may have a lesser rate of endogenous respiration as compared to washed or freshly ejaculated spermatozoa. Advantageously, the immotile sperm cells, sometimes referred to as quiescent sperm cells, have the ability, upon separation from the inhibitor(s) or exposure to an increase in temperature, to behave in a manner characteristic of ejaculated spermatozoa (and not characteristic of epididymal spermatozoa) with respect to motility and, in one embodiment, with respect to motility and respiration.

[0019] In one embodiment, for example, the inhibitor, the reduction in temperature, or a combination of both reduces path velocity (sometimes referred to as motility or path motility), progressive velocity (sometimes referred to as progressive motility), or both, as measured by HTM-IVOS sperm analysis (Hamilton-Thorne HTM-IVOS computer assisted sperm analysis system Hamilton-Thorne Research, Beverly MA) of at least about 50% of the sperm cells in the dispersion relative to the path velocity, progressive velocity, or both of sperm cells in a fresh ejaculate of the same species. Preferably, the motility inhibitor, the reduction in temperature, or a combination of both reduces path velocity, progressive velocity, or both, as measured by HTM-IVOS sperm analysis, of at least about 60% of the sperm cells in the dispersion relative to the path velocity,

progressive velocity, or both of sperm cells in a fresh ejaculate of the same species. More preferably, the motility inhibitor, the reduction in temperature, or a combination of both reduces path velocity, progressive velocity, or both, as measured by HTM-IVOS sperm analysis, of at least about 70% of the sperm cells in the dispersion relative to the path velocity, progressive velocity, or both of sperm cells in a fresh ejaculate of the same species. Still more preferably, the motility inhibitor, the reduction in temperature, or a combination of both reduces path velocity, progressive velocity, or both, as measured by HTM-IVOS sperm analysis, of at least about 80% of the sperm cells in the dispersion relative to the path velocity, progressive velocity, or both of sperm cells in a fresh ejaculate of the same species. Even more preferably, the motility inhibitor, the reduction in temperature, or a combination of both reduces path velocity, progressive velocity, or both, as measured by HTM-IVOS sperm analysis, of at least about 90% of the sperm cells in the dispersion relative to the path velocity, progressive velocity, or both of sperm cells in a fresh ejaculate of the same species. Even more preferably, the motility inhibitor, the reduction in temperature, or a combination of both reduces path velocity, progressive velocity, or both, as measured by HTM-IVOS sperm analysis, of at least about 95% of the sperm cells in the dispersion relative to the path velocity, progressive velocity, or both of sperm cells in a fresh ejaculate of the same species. Most preferably, the motility inhibitor reduces path velocity, progressive velocity, or both, as measured by an HTM-IVOS sperm analysis, of at least about 99% of the sperm cells in the dispersion relative to the path velocity, progressive velocity, or both of sperm cells in a fresh ejaculate of the same species.

[0020] A motility inhibitor may be used to substantially reduce the motility of the sperm cells in the sperm cell dispersion. The inhibitor may be any of a range of compositions having a depressive effect upon sperm motility. Such compositions include, for example, sodium channel inhibitors, such as, ouabain; compositions comprising potassium ions; and compositions comprising potassium and sodium ions. For example, relatively high concentrations of potassium ions in the dispersion tend to depress sperm motility. In general, therefore, it is preferred that the dispersion contain a source of potassium ions and that the potassium concentration in the dispersion be at least about 0.05 moles/L. More preferably, the potassium concentration is at least about 0.05 moles/L to about 0.5 moles/L. Still more preferably, the potassium concentration is at least about 0.1 moles/L to about 0.3 moles/L. Most preferably, the potassium concentration is at about 0.173 moles/L. Such dispersions will typically, but not necessarily, also contain a source of sodium ions. When sodium is present, the molar ratio of potassium to sodium is generally equal to or greater than 1:1, respectively, but will generally not exceed a molar ratio of 8:1. Preferably, the molar ratio of potassium to sodium is at least about 1.25:1. Still more preferably, the molar ratio of potassium to sodium is at least about 1.5:1. Still more preferably, the molar ratio of potassium to sodium is at least about 1.75:1. Still more preferably, the molar ratio of potassium to sodium is at least about 1.78:1. In one particular embodiment, the molar ratio of potassium to sodium is at least about 2:1. In yet another embodiment, the molar ratio of potassium to sodium is at least about 3:1. In still another embodiment, the molar ratio of potassium to sodium is at least about 4:1. In still another embodiment, the molar ratio of potassium to

sodium is at least about 5:1. In still another embodiment, the molar ratio of potassium to sodium is at least about 6:1. In still another embodiment, the molar ratio of potassium to sodium is at least about 7:1. In still another embodiment, the molar ratio of potassium to sodium is at least about 8:1.

[0021] The sperm dispersion may additionally comprise an ion or source of carbon dioxide capable of enhancing the down-regulation of motility. In this embodiment, the source of carbon dioxide may be, for example, one or more carbonates. In one presently preferred embodiment, the sperm dispersion comprises NaHCO_3 and KHCO_3 , thereby providing a source of potassium and sodium ions as well as an increased partial pressure of carbon dioxide (relative to the ambient atmosphere). For example, in one presently preferred embodiment, the dispersion comprises NaHCO_3 and KHCO_3 in an aqueous solution, preferably NaHCO_3 , KHCO_3 , and $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ in water; in general, the KHCO_3 concentration in the dispersion may be at least about 0.05 moles/L. More preferably, the KHCO_3 concentration is at least about 0.05 moles/L to about 0.5 moles/L. Still more preferably, the KHCO_3 concentration is at least about 0.1 moles/L to about 0.3 moles/L. In one particularly preferred embodiment, the dispersion is formed using an motility inhibitor comprising 0.097 moles/L of NaHCO_3 , 0.173 moles/L of KHCO_3 , 0.090 moles/L $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ in water as disclosed in Salisbury & Graves, *J. Reprod. Fertil.*, 6:351-359 (1963). The sperm cells will generally remain quiescent as long as they are exposed to the motility inhibitor(s).

[0022] When $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is present in the dispersion, the molar ratio of KHCO_3 to NaHCO_3 may be as described above. The molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ may generally be equal to or greater than 1:1, respectively, but will generally not exceed a molar ratio of 8:1. Preferably, the

molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is from at least about 1.25:1. Still more preferably, the molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is at least about 1.5:1. Still more preferably, the molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is at least about 1.75:1. In one particular embodiment, the molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is at least about 1.78:1. In another particular embodiment, the molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is at least about 2:1. In yet another embodiment, the molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is at least about 3:1. In still another embodiment, the molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is at least about 4:1. In still another embodiment, the molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is at least about 5:1. In still another embodiment, the molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is at least about 6:1. In still another embodiment, the molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is at least about 7:1. In still another embodiment, the molar ratio of KHCO_3 to $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ is at least about 8:1. In one particularly preferred embodiment, the dispersion is formed using an inhibitory buffer comprising 0.097 moles/L of NaHCO_3 , 0.173 moles/L of KHCO_3 , 0.090 moles/L $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ in water as disclosed in Salisbury & Graves, *J. Reprod. Fertil.*, 6:351-359 (1963). The sperm cells will generally remain quiescent as long as they are exposed to the motility inhibitor(s).

[0023] Experimental evidence to date further suggests that the overall health and other vital characteristics of sperm cells may be improved if the sperm dispersion is maintained under an atmosphere that reduces or prevents the diffusion of oxygen into the dispersion. This can be achieved by replacing the atmosphere of gas above the sperm dispersion with an atmosphere having an enhanced partial pressure of, for example, carbon dioxide, nitrogen, or other inert gases relative to ambient air. In a particular embodiment, the dispersion is maintained under an

atmosphere having an enhanced partial pressure of carbon dioxide relative to air. In a preferred embodiment, the atmosphere over the dispersion has a partial pressure of carbon dioxide of at least about 0.0001 atm, but generally less than about 5 atm at atmospheric pressure. In one embodiment, the partial pressure of carbon dioxide is about 0.5 atm to about 2 atm at atmospheric pressure; in another embodiment, the partial pressure of carbon dioxide is about 0.9 atm to about 2 atm at atmospheric pressure; in another embodiment, the partial pressure of carbon dioxide is about 0.95 atm to about 2 atm at atmospheric pressure. In a particularly preferred embodiment, the atmosphere over the dispersion has a partial pressure of carbon dioxide of at least 0.9 atm; more preferably, at least about 0.95 atm.

[0024] Alternatively, or in addition to the use of a motility inhibitor, the temperature of the sperm cells or the dispersion may be altered in order to induce the sperm cells to become immotile. The temperature induced sperm immotility may be induced, for example, by reducing the temperature of the sperm cells or the dispersion to about 0°C to about 15°C, preferably from about 1°C to about 10°C; more preferably from about 2°C to about 8°C, still more preferably from about 3°C to about 6°C, and even more preferably from about 4°C to about 5°C, and still more preferably about 5°C. Preferably, however, the sperm cells are not exposed to temperatures that substantially detrimentally affect the viability of the cells or significantly affect the ability of the sperm cells to bind or uptake a label.

[0025] In another embodiment, the temperature of the sperm cells or the sperm dispersion may be altered such that the sperm cells or the sperm dispersion may be at a temperature within the range of about 4°C to about 50°C; preferably from about 7°C to about 43°C; more preferably

from about 10°C to about 39°C; still more preferably from about 15°C to about 30°C; and most preferably from about 17°C to about 25°C. In a particularly preferred embodiment, the temperature of the sperm cells or the surrounding dispersion may be about 4°C.

[0026] The sperm cells may be exposed to the reduced temperature, and thereby rendered substantially immotile, at any time once the cells have been obtained from the source mammal. For example, the temperature of the sperm cells may be reduced, thereby inducing sperm immotility, upon collection of the cells from the source mammal, upon combining the cells with a buffer, upon formation of the labeling mixture, including before, during, or after the labeling process, or upon formation of the dispersion of labeled cells. Generally, however, sperm immotility may be induced by a reduction in temperature prior to the optical inspection of the dispersion.

[0027] For example, the temperature of the sperm cells may be reduced (*i.e.*, sperm immotility may be induced) subsequent to labeling of the cells, thereby allowing for labeling to occur at a more preferred temperature as discussed below. In a preferred embodiment, the temperature of the sperm cells or surrounding dispersion may be reduced (*i.e.*, sperm immotility may be induced) subsequent to labeling and prior to optical inspection of the cells.

[0028] Exposure of the sperm cells to the inhibitor, to the reduced temperature, or to a combination of both induces the sperm cells to become immotile. In one embodiment, for example, the motility inhibitor, the reduction in temperature, or a combination of both reduces the motility, progressive motility, or both of at least 60% of the sperm cells in the dispersion relative to the motility, progressive motility, or both of sperm cells in a

fresh ejaculate of the same species. Preferably, the motility inhibitor, the reduction in temperature, or a combination of both reduces the motility, progressive motility, or both of at least 70% of the sperm cells in the dispersion relative to the motility, progressive motility, or both of sperm cells in a fresh ejaculate of the same species. More preferably, the motility inhibitor, the reduction in temperature, or a combination of both reduces the motility, progressive motility, or both of at least 80% of the sperm cells in the dispersion relative to the motility, progressive motility, or both of sperm cells in a fresh ejaculate of the same species. Preferably, the motility inhibitor, the reduction in temperature, or a combination of both reduces the motility, progressive motility, or both of at least 90% of the sperm cells in the dispersion relative to the motility, progressive motility, or both of sperm cells in a fresh ejaculate of the same species. Preferably, the motility inhibitor, the reduction in temperature, or a combination of both reduces the motility, progressive motility, or both of at least 99% of the sperm cells in the dispersion relative to the motility, progressive motility, or both of sperm cells in a fresh ejaculate of the same species.

[0029] The cells are preferably rendered immotile, regardless of the method used, for a time sufficient to allow for the optical inspection of the dispersion, the determination of the position of the member cells of the subpopulation; and the dosing of the member cells of the subpopulation with an energy source. If it is desired to physically separate the dosed from the non-dosed cells, it may also be preferred to maintain the sperm cells in an immotile state through this process step. Similarly, if the sperm cells are to be cryopreserved, they may be maintained in an immotile state through the

cryopreservation step (independent of whether the dosed cells are physically separated from the non-dosed cells prior to cryopreservation). In a preferred embodiment, the cells are kept immotile through the step of cryopreservation.

[0030] Immotile cells may be returned to an active state, i.e., behavior characteristic of fresh ejaculate, by separating the cells from the motility inhibitor, exposing them to air, increasing the temperature of the cells or cell dispersion (preferably to the typical temperature of freshly ejaculated spermatozoa), by dilution with physiological saline (Salisbury et al., 1963) or a buffer such as a TCA buffer or PBS, or by any combination of the above, depending upon, for example, the method used to induce immotility. Typically, at least about 20%, preferably at least about 50%, more preferably at least about 60%, still more preferably at least about 70%, even more preferably at least about 80%, even more preferably at least about 90%, still more preferably at least about 95%, and most preferably at least about 99% of the cells returned to an active state (i.e., reactivated cells) will have a path velocity, progressive velocity, or both, as measured by HTM-IVOS sperm analysis, that is at least about 50%, preferably at least about 60%, more preferably at least about 70%, still more preferably at least about 80%, even more preferably at least about 90%, even more preferably at least about 95%, and most preferably at least about 99% of the path velocity, progressive velocity, or both of the sperm cells prior to being combined with the motility inhibitor (i.e., of sperm cells of a fresh ejaculate).

Collection of the Cells from a Mammal

[0031] Various methods of collection of viable sperm are known. Such methods include, for example, the gloved-hand method, use of an artificial vagina, and electro-ejaculation.

[0032] At the time of collection, or subsequently, the collected sperm may be combined with any of a number of various buffers that are compatible with sperm, such as TCA, HEPES, PBS, or any of the other buffers disclosed in U.S. Patent Application Publication No. US 2005/0003472, the content of which is hereby incorporated herein by reference. For example, a bovine semen sample typically containing about 0.5 to about 10 billion sperm cells per milliliter may be collected directly from the source mammal into a vessel containing a buffer to form a sperm suspension. Alternatively, the semen sample may be collected into an empty vessel and then subsequently contacted with a buffer within several minutes to hours after collection to form the sperm suspension.

[0033] Alternatively, the sperm cells may be collected and contacted with a motility inhibitor in lieu of or in addition to a buffer, thereby forming a sperm dispersion. The sperm cells may be collected directly from the animal into a vessel containing a motility inhibitor to form the sperm dispersion, or alternatively, may be collected into an empty vessel and then subsequently combined with a motility inhibitor within several minutes (or even hours) of collection to form the sperm dispersion.

[0034] The sperm dispersion may also contain a range of other additives to enhance sperm viability. Exemplary additives include protein sources, antibiotics, growth factors, and compositions that regulate oxidation/reduction reactions intracellularly and/or extracellularly. Examples

of each of these additives are well known in the art, as demonstrated in the disclosure of, for example, U.S. Application Serial Nos. 60/557,407 and 11/092,313, the content of each of which is hereby incorporated herein by reference.

Labeling of the Cells

[0035] Sperm cells may be labeled with any of a number of different labels, including labels that bind to the exterior of the cell (such as, for example, fluorescently labeled antibodies) as well as labels that cross the cell membrane and bind to the internal contents of the cell (such as, for example, fluorescent DNA selective dyes). Generally, the labeling process comprises contacting the sperm cells with a concentration of label (thereby forming a labeling mixture, sometimes referred to as a staining mixture), at a temperature and pH that allow for rapid and efficient binding or uptake of the label, for a time sufficiently long to obtain the desired degree of labeling, without substantially affecting the viability of the cells.

[0036] The sperm may be in the form of neat semen, or alternatively, a sperm-containing semen derivative obtained by centrifugation or the use of other means to separate semen into fractions. The sperm cells are then contacted or otherwise combined with the label to form a labeling mixture; optionally, the label may be in the form of a solid or a solution. Generally, however, the label, the sperm cells, or both are in a medium such as a buffer.

[0037] In one embodiment, the sperm cells are combined with a buffer to form a sperm suspension. Any of a number of various buffers that are compatible with sperm, such as for example, TCA, HEPES, PBS, or the buffers disclosed in U.S. Patent Application Publication No. US 2005/0003472 may be used. Once formed, the sperm suspension may be combined

with a source of label to form a labeling mixture; optionally, the label may be in solid or liquid form and, as a further option, may additionally comprise any of the previously mentioned buffers.

[0038] In another embodiment, the label is combined with a buffer to form a labeling suspension and the labeling suspension is combined with a sperm source in the form of neat semen, a sperm-containing semen derivative, or a sperm suspension to form the labeling mixture.

[0039] In a preferred embodiment, a buffer comprising a motility inhibitor is used to form the labeling mixture. For example, the motility inhibitor may be included in the buffer used to form a sperm suspension (which is then combined with the label) or a labeling suspension (which is then combined with a source of sperm) to form the labeling mixture. In either event, the result is a sperm dispersion containing a motility inhibitor and label.

[0040] The labeling mixture may be formed by using any of a number of labels, such as for example, one or more UV or visible light excitable, DNA selective dyes, as previously described in U.S. Patent No. 5,135,759 and WO 02/41906, each of which is hereby incorporated herein by reference. Exemplary UV light excitable, DNA selective dyes include Hoechst 33342 and Hoechst 33258, each of which is commercially available from Sigma-Aldrich (St. Louis, MO). Exemplary visible light excitable dyes include SYBR-14, commercially available from Molecular Probes, Inc. (Eugene, OR) and bisbenzimidazole-BODIPY® conjugate 6- $\{[3-((2Z)-2-\{[1-(difluoroboryl)-3,5-dimethyl-1H-pyrrol-2-yl]methylene\}-2H-pyrrol-5-yl)propanoyl]amino\}-N-[3-(methyl\{3-[(4-[6-(4-methylpiperazin-1-yl)-1H,3'H-2,5'-bibenzimidazol-2'-yl]phenoxy)acetyl]amino]propyl]amino)-propyl]hexanamide$ ("BBC") described in WO 02/41906. Each of these dyes may be used alone or in combination;

alternatively, other cell permeant UV and visible light excitable dyes may be used, alone or in combination with the aforementioned dyes, provided the dye does not detrimentally affect the viability of the sperm cells to an unacceptable degree when used in concentrations which enable sorting as described elsewhere.

[0041] Alternatively, the labeling mixture may be formed using fluorescent polyamides, and more specifically polyamides with a fluorescent label or reporter conjugated thereto. Such labels will fluoresce when bound to nucleic acids. Examples of polyamides with a fluorescent label or reporter attached thereto include, for example, those disclosed in Best et al., *Proc. Natl. Acad. Sci. USA*, 100(21): 12063-12068 (2003); Gygi, et al., *Nucleic Acids Res.*, 30(13): 2790-2799 (2002); U.S. Patent No. 5,998,140; U.S. Patent No. 6,143,901; and U.S. Patent No. 6,090,947, the contents of each of which is hereby incorporated herein by reference.

[0042] Fluorescent nucleotide sequences may also be used to label the sperm cells. Such nucleotide sequences fluoresce when hybridized to a nucleic acid containing a target or complementary sequence, but are otherwise non-fluorescent when in a non-hybridized state. Such oligonucleotides are disclosed, for example, in U.S. Patent Application Publication No. 2003/0113765 (hereby incorporated herein by reference).

[0043] Sex specific antibodies may also be used to label the sperm cells in a labeling mixture. In this embodiment, for example, a sex specific antibody may be conjugated with a fluorescent moiety (or equivalent reporter molecule). Because the antibody binds to antigens present on only an X chromosome-bearing or, alternatively, a Y chromosome-bearing cell, such cells can be selectively identified based upon their fluorescence (versus the non-

fluorescence of an unlabeled cell). Moreover, more than one sex specific antibody, each antibody having a different fluorescent moiety attached thereto, may be used simultaneously. This allows for differentiation of X chromosome-bearing and Y chromosome-bearing cells based upon the differing fluorescence of each.

[0044] Luminescent, color-selective nanocrystals may also be used to label sperm cells in a labeling mixture. Also referred to as quantum dots, these particles are well known in the art, as demonstrated by U.S. Patent No. 6,322,901 and U.S. Patent No. 6,576,291, each of which is hereby incorporated herein by reference. These nanocrystals have been conjugated to a number of biological materials, including for example, peptides, antibodies, nucleic acids, streptavidin, and polysaccharides, (see, for example, U.S. Patent Nos. 6,207,392; 6,423,551; 5,990,479, and 6,326,144, each of which is hereby incorporated herein by reference), and have been used to detect biological targets (see, for example, U.S. Patent Nos. 6,207,392 and 6,247,323, each of which is hereby incorporated herein by reference).

[0045] The preferred concentration of the label in the labeling mixture is a function of a range of variables which include, for example, whether the label binds to the exterior of the cell or whether it must cross the cell membrane; if it must cross the cell membrane, the permeability of the cells to the selected label; the temperature of the labeling mixture; the amount of time allowed for labeling to occur; and the degree of selectivity desired. In general, the concentration of the label is preferably sufficient to achieve the desired degree of labeling of the cells in a reasonably short period of time without substantially detrimentally affecting sperm viability. For example, the concentration

of Hoechst 33342, Hoechst 33258, SYBR-14, or BBC in the labeling mixture will generally be between about 0.1 μ M and about 1.0M, preferably from about 0.1 μ M to about 700 μ M, and more preferably from about 100 μ M to about 200 μ M. In a particularly preferred embodiment, the concentration of Hoechst 33342, Hoechst 33258, SYBR-14, or BBC in the staining mixture will generally be between about 400 μ M to about 500 μ M, and most preferably about 450 μ M. Accordingly, under one set of labeling conditions, the concentration of Hoechst 33342 is preferably about 100 μ M. Under another set of labeling conditions, the concentration of Hoechst 33342 is about 150 μ M. Under still another set of labeling conditions the concentration is preferably about 200 μ M. Under yet another set of staining conditions the concentration of Hoechst 33342 is most preferably about 450 μ M.

[0046] As another example, the concentration of a fluorescent polyamide, such as for example, those described in U.S. Application Publication No. 2001/0002314, will generally be between about 0.1 μ M and about 1mM, preferably from about 1 μ M to about 1mM, more preferably about 5 μ M to about 100 μ M, even more preferably about 10 μ M.

[0047] Once formed, the labeling mixture may be maintained at any of a range of temperatures. For example, labeling with Hoechst 33342 or Hoechst 33258 typically will be performed within a range of about 4°C to about 50°C. For example, the labeling mixture may be maintained at a "relatively low" temperature, *i.e.*, a temperature of about 4°C to about 30°C; in this embodiment, the temperature is preferably from about 20°C to about 30°C, more preferably from about 25°C to about 30°C, and most preferable at about 28°C. Alternatively, the labeling mixture may be maintained within an "intermediate" temperature range, *i.e.*, a temperature of about 30°C to about 39°C; in this

embodiment, the temperature is preferably at about 34°C to about 39°C, and more preferably about 37°C. In addition, the labeling mixture may be maintained within a "relatively high" temperature range, *i.e.*, a temperature of about 40°C to about 50°C; in this embodiment, the temperature is preferably from about 40°C to about 45°C, more preferably from about 40°C to about 43°C, and most preferably at about 41°C. Selection of a preferred temperature generally depends upon a range of variables, including for example, whether the label binds to the exterior of the cell or whether it must cross the cell membrane; if it must cross the cell membrane, the permeability of the cells to the selected label; the concentration of the label(s) in the labeling mixture; the amount of time allowed for labeling to occur; and the degree of selectivity desired.

[0048] The pH of the labeling mixture may be maintained at any of a range of pH's. For example, labeling with Hoechst 33342 or Hoechst 33258 typically will be performed in a pH range of about 5.0 to about 9.0. For example, the labeling mixture may be maintained at a "slightly acidic" pH, *i.e.*, from about 5.0 to about 7.0. In this embodiment, the pH is preferably from about 6.0 to about 7.0, more preferably from about 6.0 to about 6.5, and most preferably at about 6.2. Alternatively, the labeling mixture may be maintained at a "slightly basic" pH, *i.e.*, from about 7.0 to about 9.0. In this embodiment, the pH is preferably from about 7.0 to about 8.0, more preferably from about 7.0 to about 7.5, and most preferably at about 7.3. Generally, however, if labeling is performed at a pH other than about 7.0, once a period of time sufficient to obtain the desired degree of labeling has occurred, the labeling mixture will be adjusted to a pH of about 7.0.

[0049] Optionally, the labeling mixture may also contain additives to enhance sperm viability. Exemplary additives include an antibiotic, a growth factor, or a composition which regulates oxidation/reduction reactions intracellularly and/or extracellularly as discussed above with respect to cell sample collection. These additives may be added to the labeling mixture in accordance therewith.

[0050] Uptake of the label by or binding of the label to the sperm cells in the labeling mixture is allowed to continue for a period of time sufficient to obtain a dispersion of sperm cells labeled to the desired degree. That period is typically a period sufficient for the label to bind to the sperm cells or the DNA of the sperm cells such that a member of a subpopulation of cells may be identified and its position in the dispersion determined. Selection of a preferred period generally depends upon a range of variables, including for example, whether the label binds to the exterior of the cell or whether it must cross the cell membrane; if it must cross the cell membrane, the permeability of the cells to the selected label; the concentration of the label(s) in the labeling mixture; the temperature of the labeling mixture; and the degree of selectivity desired. For example, the period may be a period sufficient for a fluorescent DNA selective dye to bind to the DNA of X and Y chromosome-bearing sperm cells such that they may be selected based upon the differing and measurable fluorescence intensity between the two. When, labeling with Hoechst 33342 or Hoechst 33258, for example, typically this period will be no more than about 160 minutes, preferably no more than about 90 minutes, still more preferably no more than about 60 minutes, and most preferably from about 5 minutes to about 40 minutes.

[0051] Certain labels, and in particular certain dyes, are capable of permeating the sperm cells and specifically binding the DNA without further intervention to increase the permeability of the cells. With other labels, however, it may be desirable to treat the sperm cells prior to labeling to increase the rate of permeation without unacceptably reducing viability or motility. Any suitable method known to those skilled in the art may be used. Such methods include electroporation, the use of cell-permeation-enhancing solutions, e.g., mild surfactants, or chemical shock. Where it is desired or advantageous to use other or more stringent techniques, such treatments can include the use of liposomes or many of the techniques which are used by those skilled in the art to introduce stains, dyes, genes, or vectors into living cells. These methods include, but are not limited to microinjection such as used by Gordon et al. (*Proc. Natl. Acad. Sci. USA*, 77(12): 7380-4 (1980)) and since extended to rabbits, sheep, cattle and pigs; DEAE-dextran-mediated transfer; coprecipitation with calcium phosphate; and other techniques, all of which are well known to one of skill in the art. In yet other instances, it may be desirable to centrifuge the sperm and re-suspend the centrifuged sperm in another medium, albeit based on the same or substantially the same buffer system, to remove certain components (which may have previously been added to the sperm dispersion) that may interfere with later processing steps.

[0052] One particularly preferred method of increasing the permeability of a sperm cell to a label is the well known method of optoinjection as disclosed in U.S. Patent No. 6,753,161, the contents of which is hereby incorporated herein by reference. Generally, optoinjection is a method of transiently permeabilizing a cell by contacting the cell

with a pulse of radiation. A cell is illuminated, identified and located based upon the detection of the illumination of the cell, and irradiated with a pulse of radiation sufficient to transiently permeabilize the cell. As applied to the present invention, for example, optoinjection may be used to transiently permeabilize sperm cells and thereby allow labels that bind to the internal contents of a cell (such as, for example, labels that bind to DNA or RNA) to more easily and efficiently enter into the cells. Therefore, optoinjection may be used, for example, to decrease the time needed to sufficiently label sperm cells with a fluorescent DNA selective dye, such as Hoechst 33342, Hoechst 33258, or with a fluorescent polyamide.

[0053] Optoinjection may also be used to label cells at reduced temperatures. Previously, sperm cells were generally labeled with, for example, fluorescent DNA selective dyes, at temperatures in excess of 30°C and even 40°C, as the higher temperatures aided in increased dye uptake. While labeling at such temperatures is certainly feasible, it may be beneficial to avoid exposing the sperm cells to higher temperatures, especially for an extended period of time. Therefore, optoinjection may be used to permeabilize sperm cells, thereby allowing for the labeling of the cells at a lower temperature while still maintaining or exceeding the staining efficiency and speed typically associated with labeling at higher temperatures.

[0054] Accordingly, in one embodiment, a labeling mixture is formed comprising sperm cells, a motility inhibitor, and a dye in a concentration from about 100µM to about 200µM, and the staining mixture is held for a period of time at a temperature of about 41°C. In another embodiment, the motility inhibitor comprises 0.204g NaHCO₃, 0.433g KHCO₃, and 0.473g C₆H₈O₇·H₂O per 25mL of purified

water (0.097 moles/L of NaHCO_3 , 0.173 moles/L of KHCO_3 , 0.090 moles/L $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ in water).

[0055] In another embodiment, a labeling mixture is formed comprising sperm cells, a motility inhibitor, and a dye in a concentration of about 400 μM to about 500 μM , and the staining mixture is held for a period of time at a temperature of about 41°C. In another embodiment, the dye concentration is 450 μM . In another embodiment, the motility inhibitor comprises 0.204g NaHCO_3 , 0.433g KHCO_3 , and 0.473g $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ per 25mL of purified water (0.097 moles/L of NaHCO_3 , 0.173 moles/L of KHCO_3 , 0.090 moles/L $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ in water).

[0056] In still another embodiment, a labeling mixture is formed comprising sperm cells, a motility inhibitor, and a dye in a concentration from about 100 μM to about 200 μM , and the staining mixture is held for a period of time at a temperature of about 28°C. In another embodiment, the motility inhibitor comprises 0.204g NaHCO_3 , 0.433g KHCO_3 , and 0.473g $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ per 25mL of purified water (0.097 moles/L of NaHCO_3 , 0.173 moles/L of KHCO_3 , 0.090 moles/L $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ in water).

[0057] In yet another embodiment, a labeling mixture is formed comprising sperm cells, a motility inhibitor, and a dye in a concentration from about 400 μM to about 500 μM , and the staining mixture is held for a period of time at a temperature of about 28°C. In another embodiment, the dye concentration is 450 μM . In another embodiment, the motility inhibitor comprises 0.204g NaHCO_3 , 0.433g KHCO_3 , and 0.473g $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ per 25mL of purified water (0.097 moles/L of NaHCO_3 , 0.173 moles/L of KHCO_3 , 0.090 moles/L $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ in water).

Formation of a Dispersion of Labeled Cells

[0058] Once a labeling mixture is formed, the labeling mixture is used to form a dispersion of labeled cells, which is subsequently inspected and dosed. Such a dispersion comprises labeled sperm cells and a chemical agent that induces sperm immotility. Alternatively, or in addition to, the dispersion may comprise a liquid, such as a buffer as described above, in addition to the labeled sperm cells, and wherein the temperature of the cells or the liquid induces sperm immotility.

[0059] The labeled sperm cells may be in any of a number of forms. For example, the labeled cells may still be part of a labeling mixture. As such, the labeled cells may still be in excess or unbound label. Alternatively, the labeled cells may have been separated from any excess or unbound label, such as for example by washing the cells or by spinning down the cells, such as by centrifugation, and then separating the cells from the unbound label. In such an instance, the labeled cells will generally thereafter be combined with a buffer as discussed above with respect to collection of a cell sample. In any event, the sperm cells in the dispersion are labeled such that the absence or amount of label associated with one or more of the sperm cells allows for the identification of a genetic, proteomic, structural, or functional characteristic of a subpopulation of sperm cells in the dispersion. The sperm cells may be maintained at a temperature that induces or increases sperm immotility.

[0060] The dispersion of labeled cells may also contain a chemical agent that induces sperm immotility, such as, for example, a motility inhibitor as discussed above. The chemical agent may be added to the labeling mixture or labeled cells at any time before the optical inspection of the dispersion, such as for example, before,

during, or after labeling of the sperm cells. The chemical agent may be combined with labeled cells, the labeled cells being in any of the number of forms discussed above (i.e., still in the labeling mixture or removed therefrom). In a particular embodiment, a labeling mixture is formed comprising sperm cells and a label, and then the labeling mixture is combined with the chemical agent that induces sperm immotility. Alternatively, or in addition to the chemical agent, the temperature of the labeling mixture may be reduced as discussed above in order to induce or increase sperm immotility.

Inspection, Determination, and Dosing of the Cells

[0061] Once a dispersion of labeled cells has been formed, the dispersion is optically inspected to identify individual sperm cells as members of a subpopulation, the positions of the members of the subpopulation in the dispersion are determined, and an energy beam is delivered to different positions within the dispersion to selectively dose members of the subpopulation with an energy source, thereby decreasing the viability of the dosed cells, or at least their capacity to fertilize an egg, without similarly affecting sperm cells at other positions in the dispersion.

[0062] These steps are typically performed by a device and in a manner commercially referred to as LEAP® (Laser-Enabled Analysis and Processing) Technology Platform (Cyntellect, Inc., San Diego, CA). Generally, this process requires that cells be labeled with a marker to identify and locate individual cells of a subpopulation of cells within a mixture or larger population of cells. The population of cells is then illuminated, allowing for the position of the individuals cells of the subpopulation to be identified. A treatment laser is then positioned in a manner such that it can emit a beam of energy to induce a

change in the identified cells of the subpopulation. The induced change is usually cell death. These processes and devices are further described in U.S. Patent Nos. 6,534,308; 6,514,722; 6,753,161; and 6,642,018, each of which is hereby incorporated herein by reference.

[0063] The energy source as used in the present invention may be any source that, when applied in a certain dose to the sperm cells, decreases the viability of the dosed cells, or at least their capacity to fertilize an egg, with minimal or no similar affect to sperm cells at other positions in the dispersion. Typically, the energy source will be in the form of an energy beam. Examples of suitable energy sources include lasers, collimated or focused non-laser light, RF energy, accelerated particles, focused ultrasonic energy, electron beams, or other radiation beams. Preferably, however, the energy source is a laser, as a laser provides the advantages of high intensity and relatively efficient use of energy in a compact size and with minimal heat generation, thereby allowing dosing of a single cell without significantly adversely affecting surrounding cells.

[0064] The cells may be placed on any surface suitable for optical inspection and dosing of the cells. Generally, such surfaces will have a horizontal surface (either a top, a bottom, or both) that is optically transparent to the energy source used to optically inspect the cells as well as the energy source used to dose members of the subpopulation. Such suitable surfaces include, for example, glass, plastics or other related polymers, and Pyrex®, and may be in the form of a flat slide, a petri dish, a single-well plate, or a multi-well plate. Examples are discussed in, for example, U.S. Patent Nos. 6,534,308 and 6,514,722.

[0065] A sample of sperm cells may be divided into several smaller, individual samples, such as for example, by being divided into a number of individual samples for use with a multi-well plate. Each sample (for example, within each well) may be enriched for the same characteristic, thereby producing multiple samples each of which is enriched for a single characteristic. Advantageously, however, each of the samples may be enriched for a different characteristic. By way of example, a sample of sperm cells may be divided into smaller, individual samples, and each individual sample placed in one well of a 96 well plate. The individual sample of each well may then be enriched with respect to a single characteristic different from that of the samples in each of the other wells, resulting in 96 individual samples, each enriched with respect to a different characteristic.

[0066] Once the member cells of the subpopulation have been dosed with an energy source, the cell population may be further enriched by purifying the non-dosed cells (i.e., the sperm cells that were not dosed with energy). The purification of the non-dosed cells may occur by removal of either the dosed cells or the non-dosed cells from the dispersion, resulting in a subpopulation comprising non-dosed cells that are enriched for a particular characteristic. For example, if the particular characteristic is Y chromosome-bearing sperm cells, the non-dosed cells may be purified such that they comprise at least about 85% Y chromosome-bearing sperm cells; preferably at least about 90% Y chromosome-bearing sperm cells; more preferably at least about 95% Y chromosome-bearing sperm cells; even more preferably at least about 97% Y chromosome-bearing sperm cells; and most preferably at least about 99% Y chromosome-bearing sperm cells.

Alternatively, if the particular desired characteristic is X chromosome-bearing sperm cells, the non-dosed cells may be purified such that they comprise at least about 85% X chromosome-bearing sperm cells; preferably at least about 90% X chromosome-bearing sperm cells; more preferably at least about 95% X chromosome-bearing sperm cells; even more preferably at least about 97% X chromosome-bearing sperm cells; and most preferably at least about 99% X chromosome-bearing sperm cells.

[0067] Removal of either the dosed or non-dosed cells from the dosed dispersion (*i.e.*, from the larger population of sperm cells comprising both the dosed and non-dosed cells) may be achieved by any of a number of means known to those of skill in the art. Such methods include, for example, spinning down the entire dispersion, such as by centrifugation, and then removing or wicking the supernatant containing the dosed cells. Another method includes the addition of a high-density medium to the dispersion. High-density mediums that may be added to the dispersion include, for example, Percoll® and Isolate®. Generally, in a high-density separation, viable cells (*i.e.*, non-dosed cells with respect to the present application) are able to swim to the top of the high-density medium and may thereafter be skimmed from the top of the medium, whereas damaged or dead cells (*i.e.*, dosed cells) will remain dispersed within the high-density medium, generally within the bulk phase. Methods of using such mediums are well known in the art.

[0068] Advantageously, a dispersion of labeled cells may contain a subpopulation of cells labeled with different labels. Each label may identify a different genetic, proteomic, structural, or functional characteristic of a subpopulation of sperm cells in the dispersion. Moreover, each label may be individually detectible when bound to a

sperm cell; that is to say, it is possible to separately detect the different labels. For example, the labels may each fluoresce at different wavelengths.

[0069] A different label may be added to the labeling mixture or to the dispersion of labeled cells. Alternatively, a different label may be added subsequent to any of the steps of inspection, determination, or dosing of the cells. Preferably, however, a different label will be added subsequent to the dosing of the dispersion. For example, once the members of a subpopulation of sperm cells have been dosed, the dosed dispersion (including both the dosed cells and the non-dosed cells) or a purified dosed dispersion (including only the non-dosed cells) may be labeled again, but with a different label, and the process of inspection, determination, and dosing of the cells may be repeated, generally as disclosed above, based upon the absence or amount of the different label associated with a sperm cell.

[0070] Generally, the different label may be used to identify an additional genetic, proteomic, structural, or functional characteristic of the non-dosed cells that may be different from the characteristic used to previously identify members of a subpopulation to which a dose of energy was delivered (i.e., that is different from the characteristic used to previously determine cells to be dosed or not dosed). This provides a manner of further enriching an already enriched population of cells.

[0071] By way of example, a dispersion of labeled cells may be formed using a fluorescent DNA selective dye. The dispersion may then be optically inspected to identify individual sperm cells that are X chromosome-bearing. The position of the X chromosome-bearing sperm cells may subsequently be determined, and a dose of energy may then be delivered to one or more of the X chromosome-bearing

cells, thereby achieving an enriched Y chromosome-bearing viable cell population. Thereafter, the dosed dispersion (including both the dosed (X chromosome-bearing) and non-dosed (Y chromosome-bearing) cells) or a purified dosed dispersion (including only the non-dosed cells) may be labeled with another label that indicates acrosomal integrity, such as for example, phycoerythrin-conjugated peanut agglutinin (PE-PNA) that induces cell fluorescence, and in particular acrosomal fluorescence, when contacted with a cell having a reacted or damaged acrosome. The steps of optical identification and determination of the position of PE-PNA fluorescing cells may then be performed, and those cells dosed with energy. The result is a subpopulation of non-dosed cells that are Y chromosome-bearing and that have unreacted and undamaged (*i.e.*, intact) acrosomes. See, for example, Nagy et al., *Biol Reprod*, 68: 1828-1835 (2003).

Cryoextension of the Cells

[0072] Once the member cells of the subpopulation have been dosed with an energy source, the entire sperm cell population (both dosed and non-dosed cells) or a subset of the population (the non-dosed cells only) may be cooled or frozen for use at a later date, for example, in fertilization procedures. In such instances, the non-dosed sperm cells may benefit from the addition of a cryoextender to minimize the impact upon viability or post-thaw motility as a result of cooling and freezing.

[0073] Generally, a cryoextender may comprise a protein source, a cryoprotectant, and a motility inhibitor. If included, a protein source may be added to provide support to the cells. The protein source may be any protein source that does not interfere with the viability of the non-dosed sperm cells and is compatible with the

motility inhibitor. Examples of common protein sources include milk (including heat homogenized and skim), milk extract, egg yolk, egg yolk extract, soy protein and soy protein extract. Such proteins may be found in a concentration from about 10% (v/v) to about 30% (v/v), preferably from about 10% (v/v) to about 20% (v/v), and more preferably about 20% (v/v).

[0074] A cryoprotectant is preferably included in the cryoextender to lessen or prevent cold shock or to maintain fertility of the non-dosed sperm cells. Numerous cryoprotectants are known in the art. Selection of a cryoprotectant suitable for use with a given extender may vary, and depends upon the species from which the sperm to be frozen were obtained. Examples of suitable cryoprotectants include, for example, glycerol, dimethyl sulfoxide, ethylene glycol, propylene glycol, trehalose, Triladyl®, and combinations thereof. If included, generally, these cryoprotectants are present in the cryoextender in an amount of about 1% (v/v) to about 15% (v/v), preferably in an amount of about 5% (v/v) to about 10% (v/v), more preferably in an amount of about 7% (v/v), and most preferably in an amount of about 6% (v/v).

[0075] In addition, the cryoextender may contain a motility inhibitor as discussed above with respect to cell sample collection. The motility inhibitor(s) may be added to the cryoextender in accordance therewith.

[0076] In one particular embodiment, the cryoextender comprises a motility inhibitor, water, Triladyl®, egg yolk, and pyruvic acid. In yet another embodiment, the cryoextender comprises 0.097 moles/L of NaHCO_3 , 0.173 moles/L of KHCO_3 , 0.090 moles/L $\text{C}_6\text{H}_8\text{O}_7 \cdot \text{H}_2\text{O}$ in water, and 25g Triladyl®, 25g egg yolk, and 10mM pyruvic acid per 75mL of water.

[0077] In another particular embodiment, the cryoextender comprises a motility inhibitor, water, Triladyl[®], and egg yolk. In yet another embodiment, the cryoextender comprises 0.097 moles/L of NaHCO₃, 0.173 moles/L of KHCO₃, 0.090 moles/L C₆H₈O₇·H₂O in water, and 25g Triladyl[®], and 25g egg yolk per 75mL of water.

[0078] Optionally, the cryoextender may also contain an antibiotic or a composition which regulates oxidation/reduction reactions intracellularly and/or extracellularly as discussed above with respect to cell sample collection. Each of these additives may be added to the cryoextender in accordance therewith.

[0079] Cryopreservation of the entire sperm population (i.e., cryopreservation of the dosed dispersion) results in the formation of a frozen dispersion having two subpopulations, each of these subpopulations being substantially different from the other. However, each subpopulation is composed of substantially homogenous cells. That is to say, each subpopulation is comprised of cells, each of the individual cells of a single subpopulation having a characteristic common to each of the other cells in the same subpopulation. In a preferred embodiment, the dispersion is further enriched prior to cryopreservation by purifying the dispersion, based upon the presence or the absence of the common characteristic(s), according to methods described above.

[0080] Therefore, for example, the present process could be used to form a frozen sperm dispersion, the dispersion comprising a dosed subpopulation of cells, wherein all the cells of the dosed subpopulation are X chromosome-bearing cells, and a non-dosed subpopulation of cells, wherein all the cells of the non-dosed subpopulation are Y chromosome-bearing cells. According to this embodiment of the invention, the cells not receiving a dose

of energy (i.e., the non-dosed Y chromosome-bearing cells) will comprise at least about 85% Y chromosome-bearing sperm cells; preferably at least about 90% Y chromosome-bearing sperm cells; more preferably at least about 95% Y chromosome-bearing sperm cells; even more preferably at least about 97% Y chromosome-bearing sperm cells; and most preferably at least about 99% Y chromosome-bearing sperm cells.

[0081] Alternatively, the present process could be used to form a frozen sperm dispersion, the dispersion comprising a dosed subpopulation of cells, wherein all the cells of the dosed subpopulation are Y chromosome-bearing cells, and a non-dosed subpopulation of cells, wherein all the cells of the non-dosed subpopulation are X chromosome-bearing cells. According to this embodiment of the invention, the non-dosed X chromosome-bearing cells will comprise at least about 85% X chromosome-bearing sperm cells; preferably at least about 90% X chromosome-bearing sperm cells; more preferably at least about 95% X chromosome-bearing sperm cells; even more preferably at least about 97% X chromosome-bearing sperm cells; and most preferably at least about 99% X chromosome-bearing sperm cells.

Fertilization

[0082] The present invention also provides for a novel process for fertilizing an egg or a female mammal, generally employing the novel process for selectively decreasing the viability of a subpopulation of sperm cells in a cell dispersion as described above.

[0083] Once the dosing of the dispersion of labeled cells has occurred, the dosed dispersion (comprising both the dosed and non-dosed cells) may be used to fertilize a female mammal. Fertilization may be performed according to

any of a number of methods well known to those of skill in the art. These methods include, for example, microinjection, artificial insemination, and other methods well known to those of skill in the art. For example, a dosed dispersion comprising both the dosed and non-dosed cells, a purified dispersion comprising only the non-dosed cells, or a derivative of either may be used to inseminate a female mammal, such as for example, by artificial insemination.

[0084] Alternatively, once the dosing of the dispersion of labeled cells has occurred, the dispersion may be used to fertilize an egg, and more particularly, an egg *in vitro*. The fertilized egg may thereafter be introduced into the uterus of a female mammal by any of a number of means well known to those of skill in the art, such as for example embryo transplant. For example, a dosed dispersion, a purified dispersion, or a derivative of either may be used to fertilize an egg *in vitro*. Subsequently, the fertilized egg may be introduced into the uterus of a female mammal.

[0085] Fertilization of a female mammal or an egg *in vitro* using any of the aforementioned dispersions may occur shortly after dosing of the dispersion is complete, such as for example, within about 7 days, preferably within about 5 days, more preferably within about 3 days, still more preferably within about 2 days, and in a particular embodiment, within about 1 day after dosing of the dispersion is complete. In such an instance, generally the dispersion may not have been cryopreserved prior to fertilization of a female mammal or an egg *in vitro* (*i.e.*, the dispersion is fresh or comprises fresh sperm cells); instead it may have been maintained in a motility inhibitor and/or may have been refrigerated at temperatures of about 2°C to about 7°C, more preferably from about 3°C to about

5°C, and most preferably at about 4°C. Alternatively, the dispersion may be cryopreserved and then thawed prior to fertilization of a female mammal or an egg *in vitro* (i.e., the dispersion is frozen/thawed or comprises frozen/thawed sperm cells). Typically, in such an instance, the cryopreserved dispersion will be thawed immediately before fertilization of a female mammal or an egg *in vitro*.

[0086] Having described the invention in detail, it will be apparent that modifications and variations are possible without departing from the scope of the invention defined in the appended claims.

CLAIMS

What is claimed is:

1. A process for selectively decreasing the capacity of a subpopulation of sperm cells in a sperm cell dispersion to fertilize an egg, the process comprising:

forming a dispersion of labeled sperm cells in a
5 liquid, the liquid comprising a chemical agent or having a temperature that induces sperm immotility, wherein the presence, absence or amount of the label associated with a sperm cell indicates a genetic, proteomic, structural, or functional characteristic of a subpopulation of sperm cells
10 in the dispersion;

optically inspecting the dispersion to identify individual sperm cells as members of the subpopulation;

determining the position of members of the subpopulation in the dispersion; and

15 delivering a dose of energy to different positions within the dispersion to selectively decrease the capacity of members of the subpopulation to fertilize an egg without similarly affecting sperm cells at other positions in the dispersion.

2. A process for inseminating a female mammal with an enriched sperm cell population, the process comprising:

forming a dispersion of labeled sperm cells in a
liquid, the liquid comprising a chemical agent or having a
5 temperature that induces sperm immotility wherein the presence, absence or amount of the label associated with a sperm cell indicates a genetic, proteomic structural, or functional characteristic of a subpopulation of sperm cells
in the dispersion;

10 optically inspecting the dispersion to identify
 individual sperm cells as members of the subpopulation;
 determining the position of members of the
 subpopulation in the dispersion;
 delivering a dose of energy to different positions
15 within the dispersion to selectively decrease the capacity
 of members of the subpopulation to fertilize an egg without
 similarly affecting sperm cells at other positions in the
 dispersion; and
 thereafter inseminating a female mammal with the
20 dispersion or a derivative thereof.

3. A process for in vitro fertilization, the process
 comprising:

 forming a dispersion of labeled sperm cells in a
 liquid, the liquid comprising a chemical agent or having a
5 temperature that induces sperm immotility wherein the
 presence, absence or amount of the label associated with a
 sperm cell indicates a genetic, proteomic structural, or
 functional characteristic of a subpopulation of sperm cells
 in the dispersion;
10 optically inspecting the dispersion to identify
 individual sperm cells as members of the subpopulation;
 determining the position of members of the
 subpopulation in the dispersion;
 delivering a dose of energy to different positions
15 within the dispersion to selectively decrease the capacity
 of members of the subpopulation to fertilize an egg without
 similarly affecting sperm cells at other positions in the
 dispersion; and
 thereafter fertilizing an egg, in vitro, using the
20 dispersion or a derivative thereof.

4. A process for forming a frozen sperm dispersion, the process comprising:

forming a dispersion of labeled sperm cells in a liquid, the liquid comprising a chemical agent or having a temperature that induces sperm immotility wherein the presence, absence or amount of the label associated with a sperm cell indicates a genetic, proteomic structural, or functional characteristic of a subpopulation of sperm cells in the dispersion;

10 optically inspecting the dispersion to identify individual sperm cells as members of the subpopulation; determining the position of members of the subpopulation in the dispersion;

15 delivering a dose of energy to different positions within the dispersion to selectively decrease the capacity of members of the subpopulation to fertilize an egg without similarly affecting sperm cells at other positions in the dispersion;

and, thereafter cryopreserving the dispersion.

5. The process of any of claims 1-4, wherein the liquid comprises a chemical agent that induces sperm immotility.

6. The process of any of claims 1-4, wherein the liquid has a temperature that induces sperm immotility.

7. The process of any of claims 1-4, wherein the liquid comprises a chemical agent and has a temperature that induces sperm immotility.

8. The process of any of claims 1-7, wherein the amount of the label associated with the sperm cell indicates that the sperm cell is an X chromosome-bearing sperm cell.

9. The process of any of claims 1-7, wherein the amount of the label associated with the sperm cell indicates that the sperm cell is a Y chromosome-bearing sperm cell.

10. The process of any of claims 1-9, wherein the label is selected from the group consisting of fluorescent dyes, DNA selective dyes, polyamides, oligonucleotides, and a polypeptide that binds to a surface specific characteristic
5 of a sperm cell.

11. The process of claim 10, wherein the label is a DNA selective fluorescent dye.

12. The process of claim 11, wherein the label is Hoechst 33342, Hoechst 33258, or SYBR-14.

13. The process of any of claims 1-7, wherein the dose of energy is selected from the group consisting of radiation beams, laser beams, collimated non-laser light, focused non-laser light, and focused ultrasonic energy.

14. The process of any of claims 1-7, wherein the process further comprises purifying the sperm cells not receiving a dose of energy, the non-dosed cells.

15. The process of claim 14, wherein purifying the non-dosed cells comprises centrifuging the dispersion and removing the dosed cells.

16. The process of claim 14, wherein purifying the non-dosed cells comprises contacting the dispersion with a high-density medium.

17. The process of any of claims 1-12, wherein optically inspecting the dispersion to identify individual sperm cells as members of the subpopulation comprises optically inspecting a captured image of the cells.

18. The process of any of claims 1-12, wherein prior to optically inspecting the dispersion, the dispersion is distributed onto a multi-well plate.

19. The process of claim 18, wherein the multi-well plate is a 96 or 384 well plate.

20. The process of any of claims 1-12, wherein the dose of energy is sufficient to decrease the viability of the members of the subpopulation as compared to the viability of sperm cells not receiving a dose of energy.

21. The process of any of claims 1-12, wherein the dose of energy is sufficient to cause the death of the members of the subpopulation.

22. The process of any of claims 1-6 wherein the process further comprises cryopreserving the dispersion subsequent to delivering the dose of energy.

23. The process of any of claims 2,3,5, 6, or 7 wherein the female mammal is a bovine, equine, or porcine.

24. The process of claim 2 or any of claims 5-14 when dependent upon claim 2, wherein the insemination of the female mammal occurs within about 7 days, 5 days, 3 days, 2 days, or 1 day after the dosing of the cells is complete.

25. The process of claim 3 or any of claims 5-14 when dependent upon claim 3, wherein the fertilization of an egg, in vitro, occurs within about 7 days, 5 days, 3 days, 2 days, or 1 day after the dosing of the cells is complete.

26. The process of claim 3 or any of claims 5-14 when dependent upon claim 3, wherein the process further comprises introducing the fertilized egg into the uterus of a female mammal.

27. The process of claim 2 or any of claims 5-14 when dependent upon claim 2, wherein the dispersion is not cryopreserved prior to insemination of a female mammal.

28. The process of claim 2 or any of claims 5-14 when dependent upon claim 2, wherein the dispersion is cryopreserved prior to insemination of a female mammal.

29. The process of claim 3 or any of claims 5-14 when dependent upon claim 3, wherein the enriched dispersion is not cryopreserved prior to fertilization of an egg.

30. The process of claim 3 or any of claims 5-14 when dependent upon claim 3, wherein the enriched dispersion is cryopreserved prior to fertilization of an egg.

31. The process of any of claims 4, 5, 6, or 7 wherein the sperm cells not receiving a dose of energy comprise at least 85% X chromosome bearing sperm cells.

32. The process of any of claims 4, 5, 6, or 7 wherein the sperm cells not receiving a dose of energy comprise at least 85% Y chromosome bearing sperm cells.

33. The process of claim 4, 5, 6, or 7 wherein the sperm cells not receiving a dose of energy comprise at least 90% X chromosome bearing sperm cells.

34. The process of claim 4, 5, 6, or 7 wherein the sperm cells not receiving a dose of energy comprise at least 90% Y chromosome bearing sperm cells.

35. The process of claim 4, 5, 6, or 7, wherein the sperm cells not receiving a dose of energy comprise at least 95% X chromosome bearing sperm cells.

36. The process of claim 4, 5, 6, or 7, wherein the sperm cells not receiving a dose of energy comprise at least 95% Y chromosome bearing sperm cells.

37. The process of claim 4, 5, 6, or 7, wherein the sperm cells not receiving a dose of energy comprise at least 97% X chromosome bearing sperm cells.

38. The process of claim 4, 5, 6, or 7, wherein the sperm cells not receiving a dose of energy comprise at least 97% Y chromosome bearing sperm cells.

39. The method of claim 4 or any of claims 31-38, wherein the dosed dispersion is placed into a straw before freezing.

40. The process of any of claims 1-14 and 39, the process further comprising:

labeling the dosed dispersion with an additional label, wherein the presence, absence or amount of the

- 5 additional label associated with a sperm cell indicates a genetic, proteomic, structural, or functional characteristic of a subpopulation of sperm cells in the dosed dispersion;
- 10 optically inspecting the dosed dispersion to identify individual sperm cells as members of the subpopulation; determining the position of members of the subpopulation in the dosed dispersion; and delivering a dose of energy to different positions within the dispersion to selectively decrease the capacity of
- 15 members of the subpopulation to fertilize an egg without similarly affecting sperm cells at other positions in the dispersion.

41. The process of any of claims 1-14, wherein the temperature of the labeled sperm cells is about 0°C to about 15°C.

42. The process of any of claims 1-14, wherein the temperature of the labeled sperm cells is about 1°C to about 10°C.

43. The process of any of claims 1-14, wherein the temperature of the labeled sperm cells is about 2°C to about 8°C.

44. The process of any of claims 1-14, wherein the temperature of the labeled sperm cells is about 3°C to about 6°C.

45. The process of any of claims 1-14, wherein the temperature of the labeled sperm cells is about 4°C to about 5°C.

46. The process of any of claims 1-14, wherein the temperature of the labeled sperm cells is about 5°C.

47. The process of any of claims 1-14, wherein the temperature of the labeled sperm cells is about 4°C.